

1 Mark T. Flewelling (#96465)
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2 Fred Hickman (#124406)
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3 ANGLIN, FLEWELLING, RASMUSSEN
CAMPBELL & TRYTTEN, LLP
4 199 South Los Robles Avenue, Suite 600
Pasadena, CA 91101-2459
5 (626) 535-1900
(626) 577-7764 (Facsimile)

6 Attorneys for Defendants
7 WORLD SAVINGS BANK, FSB,
renamed and now known as
8 WACHOVIA MORTGAGE, FSB, sued as
WORLD SAVINGS BANK
and GOLDEN WEST SAVINGS
9 ASSOCIATION SERVICE CO., sued
as GOLDEN WEST SAVINGS ASSOCIATION.

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

14 ROMELYN G. GARNER, Pro Se,

15 Plaintiff,

16 vs.

17 WORLD SAVINGS BANK; GOLDEN WEST
SAVINGS ASSN;

19 Defendants.

Case No. 08 CV 847 DMS (WMC)

REQUEST FOR CONTINUANCE OF
EARLY NEUTRAL EVALUATION
CONFERENCE, OR, IN THE
ALTERNATIVE, AUTHORIZATION OF
TELEPHONIC APPEARANCE BY
DEFENDANTS' SETTLEMENT
REPRESENTATIVE

[Proposed Order Submitted Separately]

DATE: JULY 22, 2008
TIME: 3:00 P.M.
COURTROOM: C

23 TO THE COURT AND TO PLAINTIFF, *PRO SE*:

24 Defendants WACHOVIA MORTGAGE, F.S.B. and GOLDEN WEST SAVINGS
25 ASSOCIATION SERVICE CO. request that the Early Neutral Evaluation Conference be
26 continued to the third or fourth week of August 2008, between August 18 and August 29, 2008.
27 The purpose of this request is to permit personal attendance of the person for Defendants who will
28 have the full authority to negotiate and enter into a settlement of the case, as required by the

1 Notice and Order of this Court dated June 11, 2008 setting that conference. Though a continuance
 2 is preferred, in the alternative, telephonic appearance of the settlement representative is requested.
 3 The officer who would attend or appear telephonically is Michael B. Goldberg, Esq., Vice
 4 President and Assistant General Counsel, Wachovia Legal Division, whose office is located in San
 5 Antonio, Texas. He will have full settlement authority for both defendants.

6 The reason for this request is that Mr. Goldberg will be personally attending settlement
 7 conferences in New Jersey and Pennsylvania on behalf of Wachovia Mortgage, F.S.B. during the
 8 week of July 22, 2008. Mr. Goldberg would hope to be able to attend this court's Early Neutral
 9 Evaluation Conference personally, but is unable to do that until the third or fourth week of August
 10 2008.

11 If the continuance is not granted, defendants request that Mr. Goldberg's telephonic
 12 appearance be permitted on July 22. Given the time zone, Mr. Goldberg's settlement conferences
 13 will be concluded before the 3:00 p.m. Pacific Standard Time of this court's conference, and he
 14 will be able to fully participate by conference call as if he were to personally appear.

15 A separate proposed order is submitted herewith.

16 Respectfully Submitted,

17 Dated: July 8, 2008

18 ANGLIN, FLEWELLING, RASMUSSEN,
 19 CAMPBELL & TRYTTEN LLP

20 By: /s/ Frederick J. Hickman
 21 Frederick J. Hickman
 22 Attorneys for Defendants WORLD
 23 SAVINGS BANK, F.S.B. AND
 24 GOLDEN WEST SAVINGS ASSOCIATION
 25 SERVICE CO.
 26
 27
 28

PROOF OF SERVICE
(C.C.P. § 1013A(3))

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101.

On July 8, 2008, I served the foregoing document described as:

REQUEST FOR CONTINUANCE OF EARLY NEUTRAL EVALUATION CONFERENCE, OR, IN THE ALTERNATIVE, AUTHORIZATION OF TELEPHONIC APPEARANCE BY DEFENDANTS' SETTLEMENT REPRESENTATIVE

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Romelyn B. Garner, *PRO SE*
1788 Sherbrooke Street
San Diego, CA 92139
(619) 434-3395

MAIL

☐ I deposited such envelope in the mail at PASADENA California. The envelope was sealed and mailed with postage thereon fully prepaid. [OR]

☒ I am readily familiar with the office's business' practice for collection and processing of correspondence for mailing with the United State Postal Service. The correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business. On the date above the correspondence was placed at the business address stated above for deposit in the United States Postal Service. The envelope was sealed and placed for collection and mailing on that date following ordinary business practices.

☒ (FEDERAL) I declare that I am employed in the offices of a member of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and this declaration is executed this date, July 8, 2008.

Jill Ashley

/s/ Jill Ashley
(Signature)

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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9 ROMELYN B. GARNER,

10 Plaintiff,

11 v.

12 WORLD SAVINGS BANK; and GOLDEN
13 WEST SAVINGS ASSN.,

14 Defendants.


) Case No. 08cv847 DMS (WMC)

) **NOTICE AND ORDER CONTINUING**
) **EARLY NEUTRAL EVALUATION**
) **CONFERENCE**

15
16 The Court has received Defendants' request for a short continuance of the Early Neutral
17 Evaluation Conference date to ensure the attendance of their representative with settlement
18 authority. (See Doc. No.7.) Good cause appearing, Defendants' request is **GRANTED**. The Early
19 Neutral Evaluation Conference is **CONTINUED** to August 18, 2008 at 2:00 p.m. in the chambers
20 of the Honorable William McCurine, Jr., United States Magistrate Judge, 940 Front Street,
21 Courtroom C, San Diego, California, 92101. It is further ordered that Defendants' representative,
22 **Michael B. Goldberg, Esq., shall be present** at the Early Neutral Evaluation Conference. **NO**
23 **FURTHER REQUESTS FOR CONTINUANCES WILL BE CONSIDERED.** The advisements
24 and deadlines issued in the Court's June 11, 2008 Order remain in full force and effect.

25 **IT IS SO ORDERED.**

26 DATED: July 9, 2008

27 
28 Hon. William McCurine, Jr.
U.S. Magistrate Judge, U.S. District Court

08cv847 DMS (WMC)

1 Mark T. Flewelling (#96465)
mflewelling@afrc.com
2 Fred Hickman (#124406)
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6 Attorneys for Defendants
WORLD SAVINGS BANK, FSB,
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11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
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14 ROMELYN G. GARNER, Pro Se,

15 Plaintiff,

16 vs.

17 WORLD SAVINGS BANK; GOLDEN WEST
18 SAVINGS ASSN;

19 Defendants.

Case No. 08 CV 847 DMS (WMC)

PROOF OF SERVICE OF:

NOTICE AND ORDER CONTINUING
EARLY NEUTRAL EVALUATION
CONFERENCE

PROOF OF SERVICE
(C.C.P. § 1013A(3))

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101.

On July 10, 2008, I served the foregoing document described as:

NOTICE AND ORDER CONTINUING EARLY NEUTRAL EVALUATION
CONFERENCE

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Romelyn B. Garner, *PRO SE*
1788 Sherbrooke Street
San Diego, CA 92139
(619) 434-3395

MAIL

☐ I deposited such envelope in the mail at PASADENA California. The envelope was sealed and mailed with postage thereon fully prepaid. [OR]

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☒ (FEDERAL) I declare that I am employed in the offices of a member of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and this declaration is executed this date, July 10, 2008

Frederick J. Hickman
(Print Name)

/s/ Frederick J. Hickman
(Signature)

Service of Process:

3:08-cv-00847-DMS-WMC Garner v. World Savings Bank et al

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered by Hickman, Frederick on 7/10/2008 at 9:21 AM PDT and filed on 7/10/2008

Case Name: Garner v. World Savings Bank et al

Case Number: 3:08-cv-847

Filer: World Savings Bank

Document Number: 10

Docket Text:

CERTIFICATE OF SERVICE by World Savings Bank *Re Notice and Order Continuing Early Neutral Evaluation Conference* (Hickman, Frederick)

3:08-cv-847 Notice has been electronically mailed to:

Frederick J Hickman fhickman@afrc.com, msinclair@afrc.com

3:08-cv-847 Notice has been delivered by other means to:

Romelyn B. Garner
1788 Sherbrooke St
San Diego, CA 92139

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1106146653 [Date=7/10/2008] [FileNumber=2706282-0]
] [742b1bac33f622efa9b7c333fc9110f36a6e85a7be1cd529c94468f87835be0b726
6005e8ad92fe4dff50ae5d39f76d72f6adfe90687568b0da93161a26495bd]]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROMELYN B. GARNER,
Plaintiff,

v.

WORLD SAVINGS BANK; and GOLDEN
WEST SAVINGS ASSN.,
Defendants.

Case No. 08cv847 DMS (WMC)

**ORDER TO SHOW CAUSE FOR
FAILURE TO COMPLY WITH COURT
ORDER**

An Early Neutral Evaluation Conference ("ENE") was scheduled for August 18, 2008 in the above-entitled case. Plaintiff *pro se* failed to appear.

The Court's Order, dated July 9, 2008, stated:

"The Early Neutral Evaluation Conference is **CONTINUED** to **August 18, 2008 at 2:00 p.m.** in the chambers of the Honorable William McCurine, Jr., United States Magistrate Judge, 940 Front Street, Courtroom C, San Diego, California 92101."

[Doc. No. 8.]

No dismissal has been filed in this case and Plaintiff did not contact chambers in advance regarding an inability to appear on the scheduled day or time. Thus, **IT IS HEREBY ORDERED** that Plaintiff show cause why he/she failed to appear at the August 18, 2008 ENE conference and why sanctions should not be imposed.


The OSC hearing will be held on **September 2, 2008 at 2:00 p.m.** in the chambers of Judge McCurine, 940 Front St., Courtroom C, San Diego, CA 92101. Defense counsel may

1 appear telephonically at the OSC hearing by contacting the Court at (619) 557-6624 on the day
2 and time indicated above.

3 **IT IS FURTHER ORDERED** that on or before August 28, 2008, Plaintiff shall provi-
4 de a meaningful written response explaining the failure to appear. The response shall be faxed to
5 the Court at (619) 702-9972. Defense counsel may also file a declaration of costs to be
6 considered by the Court **no later than August 28, 2008**.

7 **IT IS SO ORDERED.**

8 DATED: August 18, 2008

9 
10 Hon. William McCurine, Jr.
11 U.S. Magistrate Judge, U.S. District Court
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EMERALD PLAZA
402 WEST BROADWAY
SAN DIEGO, CA
92101
(619) 235-4500

C O P Y

08/18/2008 14:33:00

Sale:

Transaction # 1
Card Type: MasterCard
Acc: *****3203
Entry: Swiped
Total: 24.00

Reference No.:
000000006473
Auth.Code: 03551B
Response: Success

Five Star Parking
Emerald Plaza
CUSTOMER 92101
402 W. Broadway
Thank You

— W3
(hammer)

CAR BOOKING NOT MADE AT TIME OF TICKET ISSUANCE

Selected Ticket Delivery: E-Ticket if possible



San Antonio Intl (SAT) to Lindbergh Intl Arpt (SAN)

Flight: **SOUTHWEST AIRLINES** Flight # 2421 Economy (R) Boeing 737-700

Departs:	San Antonio Intl (SAT), Terminal: 1	Mon 08/18/2008 at 9:30 AM
Arrives:	Lindbergh Intl Arpt (SAN) Terminal: 1	Mon 08/18/2008 at 10:15 AM
Status:	Confirmed	Ticketing: E-Ticket
Stops:	Nonstop	Meal: No Meal Served
Duration:	2 hours, 45 minutes	Distance: 1127 miles

Airline Record Locator: 2I7DPS



Hotel at San Diego, CA



Staying at:	THE WESTIN SAN DIEG 400 W BROADWAY SAN DIEGO CA 92101		
Booking info:	Reserved for: 1 night, 1 guest, 1 room		
Checking in:	Mon 08/18/2008	Checking out:	Tue 08/19/2008
Rate:	\$199.00	Conf. Number:	C491420644
Status:	Confirmed		
Phone:	1-619-239-4500		
Cancellation Policy:	Must cancel 1 day(s) prior to arrival.		
Special Instructions:	NONSMOKING		

	Directions	Distance	Time
Depart Start on Local road(s) (South)		0.12 miles	23s

Bear RIGHT (South) onto Winship Ln	0.22 miles	1m 2s
Turn LEFT (East) onto N Harbor Dr	1.75 miles	3m 3s
Turn LEFT (East) onto W Broadway	0.39 miles	1m 25s
Arrive End	0 miles	
Total Distance and Time	2.48 miles	5m 53s



Lindbergh Intl Arpt (SAN) to San Antonio Intl (SAT)

Flight: **SOUTHWEST AIRLINES** Flight # 1948 Economy (R) Boeing 737-700

Departs:	Lindbergh Intl Arpt (SAN), Terminal: 1	Tue 08/19/2008 at 10:20 AM
Arrives:	San Antonio Intl (SAT) Terminal: 1	Tue 08/19/2008 at 3:05 PM
Status:	Confirmed	Ticketing: E-Ticket
Stops:	Nonstop	Meal: No Meal Served
Duration:	2 hours, 45 minutes	Distance: 1127 miles

Airline Record Locator: 2I7DPS

Totals and restrictions

Airfare quoted amount:	\$355.34 USD
Landing fees and taxes:	\$47.66 USD
Airfare quoted total:	\$403.00 USD